



# The Gazette of Meghalaya

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 98

Shillong, Wednesday, June 11, 2014,

21st Jyaishta, 1936 (S. E.)

## PART-V

GOVERNMENT OF MEGHALAYA

MEGHALAYA LEGISLATIVE ASSEMBLY SECRETARIAT

ORDERS BY THE GOVERNOR

### NOTIFICATION

The 11th June, 2014.

**No.LB.49/LA/2014/3.**—The Martin Luther Christian University (Amendment) Bill, 2014 introduced in the Meghalaya Legislative Assembly on the 11th June, 2014 together with the statement of objects and Reasons is published under Rule 71 of the Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly for general information.

### MARTIN LUTHER CHRISTIAN UNIVERSITY (AMENDMENT) BILL, 2014.

A

Bill

to amend Martin Luther Christian University Act, 2005.

Be it enacted by the Legislature of the State of Meghalaya in the Sixty-fifth Year of the Republic of India as follows :

**Short title and commencement.**

1. (1) This Act may be called Martin Luther Christian University (Amendment) Act, 2014

(2) It shall come into force at once.

**Amendment of Martin Luther Christian University Act, 2005 [Act 11 of 2005]**

2. In Martin Luther Christian University Act, 2005.

(a) in the preamble, the words “jointly by the Khasi jaintia Presbyterian Assembly and” shall be omitted;

(b) in section 2, in clause (xxvii), the words “the Khasi Jaintia Presbyterian Assembly and” shall be omitted.

**STATEMENT OF OBJECT AND REASONS**

As per the Preamble and Section 2 (1) (XXVII) of the Act the Martin Luther Christian University (MLCU) is sponsored by Khasi Jaintia Presbyterian Assembly (KJPA) and National Lutheran Health and Medical Board (NLHMB) of the Union Evangelical Lutheran Church of India (UELCI). The KJPA has informed that they are withdrawing as Joint sponsors of the MLCU.

Hence the Bill.

**R. C. LALOO,**  
Deputy Chief Minister,  
Education.

**H. MYLLIEMNGAP,**  
Secretary,  
Meghalaya Legislative Assembly.

**FINANCIAL MEMORANDUM**

There will be no financial involvement from the Consolidated Fund of the State of Meghalaya for implementing the provisions of the enactment.



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MEGHALAYA LEGISLATIVE ASSEMBLY SECRETARIAT

ORDERS BY THE GOVERNOR

### NOTIFICATION

The 11th June, 2014.

**No.LB.50/LA/2014/4.**—The Meghalaya Special Courts Bill, 2014 introduced in the Meghalaya Legislative Assembly on the 11th June, 2014 together with the statement of objects and Reasons is published under Rule 71 of the Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly for general information.

### THE MEGHALAYA SPECIAL COURTS BILL, 2014.

A

Bill

to provide for the constitution of special courts for speedy trial of any offences which are perpetrated against any person.

Be it enacted by the Legislature of the State of Meghalaya in the Sixty-fifth Year of the Republic of India as follows:-

**Short title, extent and commencement.**

1. (1) This Act may be called the Meghalaya Special Courts Act, 2014.  
(2) It shall extend to the whole State of Meghalaya.  
(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

**Definitions.**

2. In this Act, unless the context otherwise requires,-
  - (a) “Act” means the Meghalaya Special Court Act, 2014;
  - (b) “Authority” means officials performing duties under the Act;

- (c) "Code" means the Code of Criminal Procedure, 1973 and Indian Penal Code, 1860;
- (d) "declaration" in relation to an offence, means a declaration made under section 5 in respect of such offence;
- (e) "High Court" means High Court of Meghalaya;
- (f) "offence" means an act or omission made punishable under any law for the time being in force;
- (g) "prescribed" means prescribed by rules under this Act; and
- (h) "Special Court" means a Special Court established under section 3;
- Establishment of Special Courts.** 3. (1) The State Government shall, for the purpose of speedy trial of any offences shall in consultation with the High Court of Meghalaya, by notification, establish as many courts as considered necessary to be called Special Courts.
- (2) A Special Court shall be presided over by a Judge belonging to the Meghalaya Judicial Services nominated by the High Court of Meghalaya.
- (3) The Grade of the Judge will be decided by the High Court of Meghalaya before nomination depending on the offences to be tried by the Special Court.
- Cognizance of case by Special Courts.** 4. A Special Court shall take cognizance of and try such cases as are instituted before it in a manner as laid down in the Code.
- Declaration of cases to be dealt with under this Act.** 5. (1) If the State Government is of the opinion that there is *prima-facie* evidence of the commission of an offence alleged to have been committed by a person that should be tried by Special Court established under this Act, the State Government shall make a declaration to that effect in every case in which it is of the aforesaid opinion.
- (2) Such declaration shall not be called in question in any Court.
- Effect of declaration.** 6. (1) On such declaration being made, notwithstanding anything in the Code or any other law for the time being in force, any prosecution in respect of the offence shall be instituted only in a Special Court.
- (2) Where any declaration made under section 5 related to an offence in respect of which a prosecution has already been instituted and the proceedings in relation thereto are pending in a Court other than special Court, such proceedings shall, notwithstanding anything contained in any other law for the time being in force, stand transferred to Special Court for trial of the offence in accordance with this Act except cases falling under other Special Court constituted under any Central or State law.
- Jurisdiction of Special Courts as to trial of offences.** 7. A Special Court shall have jurisdiction to try any person alleged to have committed the offence in respect of which a declaration has been made under section 5, either as principal, conspirator or abettor

		and for all the other offences and accused persons as can be jointly tried therewith at one trial in accordance with the Code.
<b>Procedure and powers of Special Courts.</b>	8.	<p>(1) A Special Court shall, in the trial of such cases, follow the procedure prescribed by the Code for the trial of cases before a Magistrate.</p> <p>(2) Save as expressly provided in this Act, the provision of the Code shall, so far as they are not inconsistent with the provision of this Act, apply to the proceedings before a Special Court and for the purpose of the said provisions, the persons conducting a prosecution before a Special Court shall be deemed to be a Public Prosecutor.</p> <p>(3) A Special Court may pass, upon any person convicted by it, any sentence authorised by law for the punishment of the offence of which such person is convicted.</p>
<b>Appeal against orders of Special Courts.</b>	9.	<p>(1) Notwithstanding anything in the Code, an, appeal shall lie from any judgement and sentence of a Special Court to the High Court of Meghalaya both on facts and law.</p> <p>(2) Except as aforesaid, no appeal or revision shall lie in any Court from any judgment, sentence or order of a Special Court.</p> <p>(3) Every appeal under this section shall be preferred within a period of thirty days from the date of judgement and sentence of a Special Court:</p> <p>Provided that the High Court of Meghalaya may entertain an appeal after the expiry of the said period of thirty days if it is satisfied for reasons that the appellant had sufficient cause for not preferring the appeal within the period.</p>
<b>Transfer of cases.</b>	10.	Notwithstanding the other provisions of this Act, it would be open to the High Court of Meghalaya to transfer cases from one Special Court to another.
<b>Special Court not bound to adjourn a trial.</b>	11.	<p>(1) A Special Court shall not adjourn any trial for any purpose unless such adjournment is, in its opinion, necessary in the interests of justice and for reasons to be recorded in writing.</p> <p>(2) The Special Court shall endeavour to dispose of the trial of the cases within a period of one year from the date of its institutions or transfer, as the case may be.</p>
<b>Presiding Judge may act on evidence recorded by his predecessor.</b>	12.	A Judge appointed under Section 3 to preside over a Special Court may act on the evidence recorded by his predecessor or predecessors or partly recorded by his predecessor or predecessors and partly recorded by himself.
<b>Charge sheet.</b>	13.	Charge sheet of any offences, to be tried by a Special Court, shall be completed within sixty to ninety days.
<b>Notice or order not be invalid for error in description.</b>	14.	No notice issued or served, no declaration made and no order passed, under this Act shall be deemed to be invalid by reason of any error in the description person mentioned therein, if such person is

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		identifiable from the description so mentioned.
<b>Act to be in addition to any other law.</b>	15.	The provision of this Act shall be in addition to, and not in derogation of, any other law for the time being in force, and nothing contained herein shall exempt any person from any proceeding which might, apart from this Act, be instituted against him.
<b>Protection of action taken in good faith.</b>	16.	No suit, prosecution or other legal proceedings shall lie against any authority for anything in good faith done or intended to be done in pursuance of this Act.
<b>Power to make rules.</b>	17.	(1) The State Government may, by notification, make such rules, if any, as it may deem necessary for carrying out the purpose of this Act. (2) All rules made under this Act shall be laid, as soon as may be, before the State Legislature.
<b>Overriding effect.</b>	18.	Notwithstanding anything contained in any law for the time being in force, the provisions of this Act shall prevail in case of any inconsistency.

**STATEMENT OF OBJECT AND REASONS**

It has become necessary to have Special Courts in the State of Meghalaya to deal with cases exclusively allotted to it for speedy trial and end of justice as the normal Courts are already overburden with various cases. A law is required in this regard so as to have more Courts to provide fast track trials in cases and the crimes are nipped from the bud.

Therefore, this enactment aims to establish Special Courts throughout the State to deal with any offences which are perpetrated against any person and speedy trial thereof.

Hence, this Bill.

**ROWELL LYNGDOH,**  
Deputy Chief Minister (Law)

**H. MYLLIEMNGAP,**  
Secretary  
Meghalaya Legislative Assembly.

**FINANCIAL MEMORANDUM**

Certain sum of expenditure from the Consolidated Fund of the State of Meghalaya for implementation of the provisions of the Bill will be involved.

**MEMORANDUM OF DELEGATED LEGISLATION**

Clause 17 of the Bill empowers the State Government to make rules and every such rule so made shall, as soon as it is made, be laid before the Meghalaya Legislative Assembly. The delegation as such, is of normal character.



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## PART IIA

GOVERNMENT OF MEGHALAYA

LABOUR DEPARTMENT

ORDERS BY THE GOVERNOR

### NOTIFICATION

The 11th June, 2014.

**LBG. 75/2012/187** – In exercise of the powers conferred by Sub-Section (2) of Section 5 of the Minimum Wages act, 1948 (Act XI of 1948) as amended, the Governor of Meghalaya is pleased to revise the rates of minimum wages in respect of the following Schedule of Employments all categorized and defined as under :-

(1) Agriculture (2) Construction and maintenance of Buildings including Public Health Engineering, etc., (3) Stone crushing and breaking operations (4) Construction, Generation and Distribution of Powers, Water supply, land development excavation and reclamation, (5) Sericulture & Weaving, (6) Fruit Preservation, (7) Soil Conservation, (8) Animal Husbandry and Veterinary, (9) Forest, (10) Local Authority, (11) Public Motor Transport (12) Saw Mill, (13) Plywood Industry, (14) Motor Workshops, (15) Furniture Industry, (16) Bakery (17) Shops and Establishment, (18) Printing Press (19) Sales, Distribution and handling of petroleum products (20) Steel Fabrication and concrete products including brick making, (21) Tailoring, (22) Wax and Candle industry (23) Hotels and Restaurants (24) Mines and Minerals (25) Safai Karamcharis (26) Employment in Registered Factories not elsewhere classified (27) Employment under Government Authority (casual contingency Employee) and (28) Domestic Workers :-

Sl. No.	Category of workers	Minimum Rates per day
1.	Unskilled	₹ 160/-
2.	Semi-skilled	₹ 170/-
3.	Skilled	₹ 180/-
4.	Highly skilled	₹ 200/-

The above rates of minimum wages are effective from 1<sup>st</sup> June, 2014.



**EXPLANATION FOR THE PURPOSE OF THIS NOTIFICATION :**

1. **UNSKILLED** : means work which involves simple operation, little or no skill or experience in the job.
2. **SEMI-SKILLED** : means work which involves some degree of skill and competence acquired through experience on the job which is capable of being performed under the supervision and guidance of skilled employees and includes unskilled supervisory works.
3. **SKILLED** : means work which involves skill or competence acquired through experience on the job or through training as apprentice in a technical or vocational institute and the performance of which calls for initiative and judgement.
4. **HIGHLY SKILLED** : means expert in the work requiring great skills.

**WORKING HOURS** : The normal working hours will be 8 (eight) hours a day 48 (forty eight) hours a week.

**WOMEN AND DISABLED WORKERS**: Will be paid the same rate payable to male and able workers

Workers engaged in offices will follow the office hours of the Office/Department where they are employed.

Where the existing rates of wages of any employees based on contract or agreement or otherwise are higher than the rates notified herein, the higher rates shall be treated as the Minimum rate of Wages applicable for the purpose of this notification to such employees.

These rates of minimum wages shall be revised at intervals of 6 months based on Consumer Price Index linked Variable Dearness Allowance, the rates of which shall be notified separately from time to time.

**M. S. RAO,**

Principal Secretary to the Government of Meghalaya,  
Labour Department.